UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORKX	707 CIV 11427
JENNIFER HYMAN and WILLIAM BRICKWEDDE,	ECE CASE II ID C
Plaintiffs,	ecf caseJUDGE CON
-against-	COMPLAINT

S

FELLOWSHIP OF RECONCILIATION,

<u>COMPLAINT</u> <u>PLAINTIFF DEMANDS</u> A JURY TRIAL

Plaintiffs, JENNIFER HYMAN and WILLIAM BRICKWEDDE, by their attorneys.

ROBERT DAVID GOODSTEIN, ESQ., complaining of defendant, allege as follows:

Defendant.

- 1. This is an action for injunctive relief, compensatory and punitive damages on behalf of plaintiffs. This suit is authorized pursuant to the Age Discrimination in Employment Act (29 U.S.C. §621 et. seq.), and the New York Human Rights Law (N.Y.S. Executive Law §296). Jurisdiction of this Court is invoked pursuant to 29 U.S.C. §255 and under the principle of pendent jurisdiction. Jurisdiction of this Court is invoked to secure protection of and redress deprivation of rights secured by 29 U.S.C. §621 et. seq., and the New York State Executive Law §290 et. seq. (Human Rights Law), providing for equitable and legal relief against age discrimination in employment.
- 2. Plaintiffs, JENNIFER HYMAN and WILLIAM BRICKWEDDE, citizens of the United States, both reside in the County of Rockland, New York. Plaintiff, JENNIFER HYMAN, is sixty (60) years of age and was born on September 13, 1947. Plaintiff, WILLIAM BRICKWEDDE, is fifty-eight (58) years of age and was born on October 2, 1949.

- 3. Defendant, FELLOWSHIP OF RECONCILIATION (hereinafter "FELLOWSHIP"), on information and belief, is a corporation doing business in New York State with offices located at 521 North Broadway, Nyack, New York 10960. Defendant is an employer subject to the Age Discrimination in Employment Act (29 U.S.C. §621 et. seq.). Upon information and belief, defendant has employed twenty (20) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year. Defendant is also an employer as defined by Human Rights Law (N.Y.S. Executive Law §290 et. seq.).
- 4. Plaintiffs filed charges with the Equal Employment Opportunity Commission and received Notices of Right to Sue. This Complaint is filed within ninety (90) days of said receipts of the Notices of Right to Sue. (copies of the charges are annexed hereto as **Exhibit 1**; copies of the Notices of Right to Sue are annexed as **Exhibit 2**.)
- 5. During the period from March 1, 2006 through October 31, 2006, Defendant Fellowship of Reconciliation (FOR) discriminated by terminating older employees, by forcing older employees to resign, by creating impossible work conditions, and by reducing the hours of full-time older employees to part-time status.
  - 6. (a) Marie Deremeik and Theresa Florentino, females who were 75 and 65 were both terminated on or about March 1, 2006.
    - (b) Wanda Resto Torres, female, age 49 was terminated on or about March 1, 2006.
    - (c) Randall Davis, a male in his early 50's was forced to resign in May, 2006.
    - (d) Yvonne Royster, female, 61 years old was terminated in June, 2006.
    - (e) Jennifer Hyman, female, 58 was terminated in June, 2006.

- (f) William Brickwedde, male, 57 years old was reduced from full-time employment to part-time employment in June, 2006 and then terminated in October, 2006.
- (g) Barbara George, female, 65 years old was terminated in June, 2006.
- (h) Ibrahim Ramey, male, 57 or 58 years old was terminated in June, 2006.
- (i) Janet Chisholm, female, 64 years old was informed in July, 2006 that she must raise \$64,500 for her program to continue for the next year. When it became clear to Ms. Chisholm that she would not be able to raise that unreasonable amount, she resigned in August, 2006.
- 7. Many of the above enumerated individuals were replaced by younger employees, and the jobs of others are being advertised.
- 8. The defendant's acting Executive Director, Rachel Pfeffer, made ageist comments during meetings with staff about replacing older staff with younger employees.
- 9. The issue of race, gender and age admittedly were discussed extensively prior to the layoffs.

#### AS AND FOR A FIRST CAUSE OF ACTION

10. By terminating plaintiffs from their positions because of their ages, defendant has violated the ADEA (29 U.S.C. §621 et. seq.) and committed an unlawful discriminatory practice as related to employment.

### **AS AND FOR PLAINTIFF'S PENDENT STATE CAUSE OF ACTION**

11. Defendant, FELLOWSHIP, is an employer as that term is defined by the New York State Human Rights Law.

- 12. Plaintiffs were discriminated against by defendant when defendant discharged them from their employment because of their ages in violation of the New York State Human Rights Law (Executive Law §290 et. seq.).
  - 13. Plaintiffs demand a jury trial on all claims.

WHEREFORE, plaintiffs demand judgment against defendant as follows:

### On each of plaintiff's ADEA Causes of Actions:

- (A) A mandatory injunction awarding plaintiff back pay, front pay and benefits from the date of their termination;
- (B) reasonable attorney's fees; and
- (C) liquidated damages equal to the amount of back pay;
- (D) together with such other costs and disbursements of this action.

#### On plaintiffs' Pendent State Claim:

- (A) Damages of \$250,000 per plaintiff;
- (B) together with applicable interest and such other and further relief as to the Court seems just and proper.

DATED: New Rochelle, New York December 17, 2007

Yours, etc.

ROBERT/D

GOODSTEIN, ESO.

ROBERT DAVID GOODSTEIN (RDG5443)

Attorneys for Plaintiffs 56 Harrison Street, Suite 401

New Rochelle, New York 10801

(914)632-8382

## Plaintiff's Document Exhibit #1

CHARGE OF DISCRIMI  Case 7:07-cv-11427-WCC  This form is affected by the Privacy Act of 1974; See Privacy completing this form.	NATION ocument   Fi Act Statement before	iled 12/20/200	Page 6 of 1	CHARGE NUMBER
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### Case 7:07-cv-11427-WCC Document 1 Filed 12/20/2007 Page 7 of 12

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- Marie Deremeik and Theresa Fiorentino, females who were 75 and 65 were both terminated on or about March 1, 2006.

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- 3) Many of the above individuals were replaced by younger employees, and the jobs of others are being advertised.
- 4) The Executive Director, Rachel Pfeffer made ageist comments during meetings with staff about replacing older staff with younger employees.
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### Case 7:07-cv-11427-WCC Document 1 Filed 12/20/2007 Page 9 of 12

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# Plaintiff's Document Exhibit #2

\$EOC Form #61 (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
7-WCC Document 1 Filed 12/20/2007 Page 11 of 12 Case 7:07-cv-11427-WCC

DISMISSAL AND NOTICE OF RIGHTS

To: Jennifer Hyman

292 Piermont Avenue, Apt. 2-F Nysck, NY 10860

From: New York District Office 33 Whitehall Street

5th Floor

Morristown, NJ 07960-6834

			New York, NY 10004			
:						
			on(s) aggrieved whose identity (29 CFR §1601.7(a))	is		
EEO	C. Charge No.		EEOC Representative			Telephone No.
			Lawrence M. Angelo,			
520-	2007-01345		Investigator		(	(212) 336-3763
THE	EEOC IS CLO	SING ITS FILE	ON THIS CHARGE FOR	THE FOLLOWING RE	EASON:	,
	The facts	alleged in the charge	e fail to state a claim under any	of the statutes enforced by	the EEOC.	
. [	Your alleg	ations did not involv	e a disability as defined by the	Americans With Disabilities	Act.	
	The Respo	ondent employs less	than the required number of e	mployees or is not otherwise	covered by the state	utes.
	Your charge	ge was not timely file	ed with EEOC; in other words,	you waited too long after th	e date(s) of the alleg	jed discrimination to file your
	Having be interviews/	een given 30 day conferences, or othe	s in which to respond, your residence in which to cooperate to the	u failec to provide inform e extent that it was not possi	nation, failed to a ble to resolve your ct	ppear or be available for narge.
	While reas	onable efforts were	made to locate you, we were no	ot able to do so.		
	You were	given 30 days to acc	ept a reasonable settlement of	fer that affords full relief for ti	he harm you alleged.	
	establishes	s violations of the sta	determination: Based upon its stutes. This does not certify that construed as having been raise	at the respondent is in compi	unable to conclude t	hat the information obtained es. No finding is made as to
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cc:	Robert D. Good Goodstein & W	•		LeRoy J. Watkins, Jackson Lewis, LL		
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Case 7:07-cv-11427-WCC Document 1 Filed 12/20/2007 Page 12 of 12 EEOC Form. (61 (3/98)

### DISMISSAL AND NOTICE OF RIGHTS

William Brickwedde 14 Cresthill Drive Nyack, NY 10960

From: New York District Office 33 Whitehall Street

5th Floor

Morristown, NJ 07960-6834

New York, NY 10004

		On behalf of person(s) aggrieve	d whose identity is				
		CONFIDENTIAL (29 CFR §1601	1.7(a))				
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Į	The facts	alleged in the charge fail to state a	claim under any of the statu	tes enforced by the EEOC.			
	Your alleg	Your allegations did not involve a disability as defined by the Americans With Disabilities Act.					
. [	The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.						
	Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge						
	Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.						
	While reas	conable efforts were made to locate	you, we were not able to do	) SO.			
	You were	given 30 days to accept a reasonat	ole settlement offer that affor	ds full relief for the harm you	alleged.		
	The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.						
	The EEOC	The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.					
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	• •		Spencer H. Lewis, Jr Director	9/	(Date Mailed)		
cc:	Robert D. Goo Goodstein & V 56 Harrison St New Rocehlle,	/est reet, Suite 401	Jacks 220 H	y J. Watkins, Esq. on Lewis, LLP eadquarters Plaza Fower, 7 <sup>th</sup> Floor	•		